

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,) Case No. 2:20-cv-10191
v.)
RICHARD COLE,)
Defendant.)

)

COMPLAINT

Plaintiff United States of America, at the direction of a delegate of the Attorney General of the United States and with the authorization of a delegate of the Secretary of the Treasury, pursuant to the provisions of 26 U.S.C. § 7401, brings this civil action to reduce to judgment certain unpaid federal tax liabilities of Defendant Richard Cole. In support of this action, the United States alleges, as follows:

Jurisdiction and Parties

1. This Court has jurisdiction over this civil action pursuant to Sections 1331, 1340, and 1345 of Title 28 of the United States Code and Section 7402(a) of the Internal Revenue Code.
2. Defendant Richard Cole resides in Milford, Michigan, within the jurisdiction of this Court.

Count I: Claim Against Richard Cole to Reduce to Judgment Income Tax Liabilities

3. A delegate of the Secretary of the Treasury made assessments against Richard Cole for federal income taxes for the periods, on the dates, and in the amounts described below. Those liabilities have balances due as of September 4, 2019, including assessed and accrued late-

filings and late-payments penalties under 26 U.S.C. § 6651 and penalties for failure to make estimated tax payments under 26 U.S.C. § 6654, costs, and statutory interest, and after applying any abatements, payment, and credits, as follows:

Tax Year	Assessment Date	Assessment Type	Assessment Amount	Balance due as of 09/04/2019
2003	06/01/2009	Tax Assessed	\$79,641.51	\$69,839.98
2004	05/25/2009	Tax Assessed	\$113,153.00	\$309,676.82
2005	05/25/2009	Tax Assessed	\$181,638.00	\$414,496.91
2013	03/05/2018	Tax Assessed	\$11,544.00	\$7,250.86
2014	11/02/2015	Tax Assessed	\$39,276.00	\$150.48
2015	03/13/2017	Tax Assessed	\$21,510.00	\$22,657.81
Total Balance Due as of 09/04/2019				\$824,072.86

4. Notice of the liabilities described in paragraph 3 was given to, and payment demanded from, Richard Cole.

5. Despite the notices of the liabilities and demands for payment, Richard Cole failed, neglected, or refused to pay in full the liabilities described in paragraph 3, and after the application of all accruals, abatements, fees and costs, payments, and credits, he remains indebted to the United States for those tax periods in the amount of \$824,072.86, plus statutory additions from September 4, 2019.

6. This action has been timely commenced under 26 U.S.C. § 6502 because the statute of limitations for collection of Richard Cole's liabilities was tolled pursuant to 26 U.S.C. §§ 6320(c) and 6330(e) for the income tax periods ending December 31, 2003, December 31, 2004, and December 31, 2005.

7. On April 4, 2011, Richard Cole submitted a request for a Collection Due Process Hearing with regard to the income tax years ending December 31, 2003, December 31, 2004, and December 31, 2005. The Collection Due Process Hearing request was resolved on January 23,

2012. As such, the statute of limitations for collection was extended for at least an additional 294 days, pursuant to 26 U.S.C. §§ 6320(c) and 6330(e).

WHEREFORE, the plaintiff United States of America requests the following relief:

A. Judgment in favor of Plaintiff United States and against Defendant Richard Cole for federal income tax liabilities for tax years 2003-2005 and 2013-2015, in the amount of \$824,072.86, plus statutory additions from and after September 4, 2019, including interest as allowed by Sections 6601, 6621, and 6622 of Title 26 of the United States Code (the Internal Revenue Code) and Section 1961(c) of Title 28 of the United States Code;

B. The United States shall recover its costs, and be awarded such other and further relief as the Court deems just and equitable.

Respectfully submitted,

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